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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-40524-2023

Date of decision:-03.04.2025

DEVINDER KUMAR @ GOGI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 01.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
179	12.05.2023	307, 323, 427, 506 and 34 IPC	Madhuban, Karnal, District Karnal

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he is in custody since 14.05.2023 and the trial of the case is going at snails pace and only 3 witnesses out of 14 have yet been examined. He further contends that there is neither any injury attributed to the petitioner sustained by the victim which could be termed as dangerous to life nor any on the vital part of the body and furthermore there is no ill motive or enmity



inter se the petitioner and the victim which could attract the provisions of Section 307 IPC. He further contends that even in the medical report the victim was reported to be under influence of alcohol and in fact he had come all of sudden in front of the car and sustained injuries without there being any motive on the part of the petitioner to do so. It is also mentioned in the medico legal report that there is alleged history of roadside accident which has been converted by the police into the present case by proclaiming the offence under Section 307 IPC. He submits that the conclusion of trial will take long time, hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that considering serious nature and gravity of offence petitioner is not entitled to concession of bail, however, on query he clarified that all material witnesses of the case have already been examined.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution on 11.05.2023 when the complainant alongwith his wife had gone to close the door of the old age home then the petitioner came there and tried to drag the door upon which altercation took place and hearing the noise some persons gathered there and rescued the complainant and accused left the place giving threats of dire consequences. It is alleged that after some time the petitioner came in his car at a high speed and tried to run over the complainant, as a result of which victim Ashish son of Gyan Singh sustained injuries. Injured were shifted to hospital and FIR was registered.

7. It is not disputed that after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only 3 witnesses have been examined, the trial is

going at snails pace but admittedly, all the material witnesses have been examined. It is evident from the Medico Legal Report of the victim that alcohol was present in his breath and he sustained 3 blunt injuries in the occurrence. It is also evident from the Medico Legal Report that patient had been declared as absconded from the hospital. There is no injury declared dangerous to life, moreover it is debatable if there was any motive or enmity of the petitioner towards the victim in causing such injury or it was a roadside accident as the victim was found to be under influence of liquor and this aspect could only be ascertained after conclusion of trial. The petitioner is not having any criminal antecedents, and the conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**03.04.2025**

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No